

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land acquisition - Yeleru Reservoir Project - East Godavari District - Peddapuram Division -Yeleswaram Mandal, J.Annavaram Village, - Land acquired under Award No.3/90,dated.15.2.90 for YRP - Land value enhanced in O.P.No.5/96 - Appeal filed in A.S.No.2927/1999 -Appeal partly allowed - SLP filed and dismissed - Sanction of entire / full decretal charges - Orders - Issued.

IRRIGATION & CAD (PW.LA.I) DEPARTMENT

G.O.Rt.No. 123

Date:19.2.2009

Read the following

1. From the Collector & District Magistrate,East Godavari District, Ir.No. G1/1327/2000,dated. 16.10.2008.
2. From the Spl.Chief Secretary to Govt & CCLA,A.P, Hyderabad, letter No.SPR3/1108/ 2008, dated.15.12.2008.

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ORDER:-

In the references read above, it has been reported that an extent of Ac.90.69 cts of G.Wet/ G.Dry lands in S.No.518, 529 etc., situated in J.Annavaram village, Yeleswaram Mandal, were acquired under Award No. 3/90 by the Spl.Dy.Collector (LA), YRP, Unit-3, Peddapuram on 15.2.90 duly fixing the land value @ Rs.3,000/- to 18,000/- per acre to different categories of land. At the request of the aggrieved land owner covered with an extent of Ac.12.24 cts, the claims U/s 18 of L.A.Act were referred to the Civil Court. The Subordinate judge, peddapuram after considering the reference pronounced decree and judgement in O.P.No.5/96, 70/92 and 71/92, dated.14.06.99. In respect of O.P.No.5/96 the Court have enhanced the land value for the lands to an extent of Ac.9.12 cts in S.No.518 and for an extent of Ac.2.42 cts in S.No.529 to Rs. 40,000/- per acre and for an extent of Ac.0.70 cts in S.No.529 to Rs.50,000/- per acre.

2. Aggrieved by the Lower Court orders, the State preferred an Appeal against the order and decree dt.14.9.90 in O.P.No.5/9 and batch. The Hon'ble High Court in its common judgment dated.27.9.2000 in A.S.No.2927/99 and batch allowed the appeals by partly modifying the Lower Court orders that the Market Value for the acquired lands is re-fixed as follows:- (a) at Rs.40,000/- per acre for dry-cum-wet lands (b) at Rs. 30,000/- per acre for cultivable dry lands and (c) at Rs.20,000/- per acre for grazing & uncultivable lands. The State have filed Special Leave Petition and the same was dismissed by the Hon'ble Supreme Court of India on the ground of delay in CC.Nos 803-805/2004, dated. 3.2.2004.

3. The Collector & District Magistrate, East Godavari has requested the Government to sanction and release an amount of Rs.9,77,374/- towards entire decretal amount to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.2927/99 filed against O.P.No.5/96. The Spl.Chief Secretary to Government & CCLA,A.P., Hyderabad, has forwarded the proposal of the District Collector, East Godavari District and recommended the Government to sanction the amount.

4. Government have examined the matter carefully and hereby sanction for an amount of Rs. 9,77,374/- (Rupees Nine Lakh Seventy Seven thousand Three hundred and Seventy Four only) towards full / final decretal charges to comply with the orders of Hon'ble High Court of A.P.,Hyderabad in A.S.No.2927/99 filed against O.P.No.5/96., subject to verification whether the reference under section 18 of the LA Act is made to the lower court after following all the guidelines / directions on the subject and in the case it is detected that Sec.18 reference was made contrary to the rules / guidelines issued by the Government /CCLA immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of (P.T.O)

restitution petition and also subject to confirmation of the ENC (Irr), VYPP as to the extent of land acquired. Further, the Collector should verify the calculations made by the LAO/RDO once again thoroughly with reference to the decree and instructions issued by the Govt/CCLA on the subject from time to time before depositing the amount in Civil Court, duly deducting the Income Tax as per rules in force.

5. The amount sanctioned in para (4) above shall be deductible to "4701 -COL on Major & Medium Irrigation - 01 Major Irrigation (Commercial) - M.H. 116 Y.R.Scheme - G.H.11 Normal State Plan - S.H (26) D&A Works - 530 Major Works - 532 Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

6. The District Collector, East Godavari District, Kakinada shall follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No. 5/96, under Yeleru Reservoir Project for avoiding intervention of the middlemen.

7. The Engineer-in-Chief, Irrigation, Hyderabad shall take necessary steps for release of L.O.C.

8. This order issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No. 93/ F.7(A1)/09, dt.16.1.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The District Collector, East Godavari, Kakinada.
The Spl. Chief Secretary to Govt & CCLA., A.P., Hyderabad.
The Engineer-in-Chief (Irr), Errumanzil, Hyderabad.
The Revenue Divisional Officer, Peddapuram, E.G. Dist.
The Director of Works Accounts, Hyderabad.
The Joint Director of Works Accounts, Dowlaiswaram.
The Accountant General, Andhra Pradesh, Hyderabad.

Copy to:-

The Finance (Works & Projects) Department
Stock File / Spare copies
In the file C.No.35155/L.A.I(A2)/2008

//FORWARDED :: BY ORDER//

SECTION OFFICER